

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ABBOTT LABORATORIES,)	
)	
Plaintiff,)	Civil Action No. 07-754-***
)	
v.)	
)	
BANNER PHARMACAPS, INC.,)	
)	
Defendant.)	
_____)	

NOTICE OF FILING OF WAIVER OF SERVICE

Pursuant to Rule 4(d)(4) of the Federal Rules of Civil Procedure, Plaintiff files an executed waiver of service (attached as Exhibit A hereto) for Defendant, Banner Pharmacaps, Inc.

Connolly Bove Lodge & Hutz LLP

/s/ Paul E. Crawford
Paul E. Crawford (0493)
1007 N. Orange Street
P. O. Box 2207
Wilmington, DE 19899
(302) 658-9141
Attorneys for Plaintiff

Dated: January 2, 2008

Exhibit A

WAIVER OF SERVICE OF SUMMONS

TO: Paul E. Crawford, Esquire
Connolly Bove Lodge & Hutz LLP
1007 Orange Street
P.O. Box 2207
Wilmington, Delaware 19899
(302) 658-9141
Attorney for Plaintiff Abbott Laboratories

BANNER PHARMACAPS INC. ("BANNER") acknowledges receipt of your request that it waive service of a summons in the action of ABBOTT LABORATORIES V. BANNER PHARMACAPS INC. which is Civil Action Number 07-754 in the United States District Court for the District of Delaware. BANNER has also received a copy of the complaint in the action, two copies of this instrument, and a means by which it can return the signed waiver to you without cost.

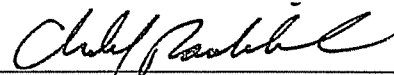
BANNER agrees to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that BANNER be served with judicial process in the manner provided by Rule 4.

BANNER will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against BANNER if an answer or motion under Rule 12 is not served upon you within 60 days after 11/30/07, or within 90 days after that date if the request was sent outside the United States.

BANNER PHARMACAPS INC.

Dec. 26, 2007
Date

BY: 
Signature Christopher Lawrence + Hutz LLP
Title: Attorney for Banner Pharmacaps Inc.

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4(d)(4) of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

CERTIFICATE OF SERVICE

I hereby certify that on January 2, 2008, a true and correct copy of the foregoing
NOTICE OF FILING OF WAIVER OF SERVICE was caused to be served on the following
via CM/ECF filing and the following:

VIA FIRST CLASS MAIL

Charles Raubicheck, Esq.
Frommer, Lawrence & Haug LLP
745 Fifth Avenue
New York, New York 10151

/s/ Paul E. Crawford
Paul E. Crawford, Esquire (#493)
pcrawford@cblh.com